

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324
FRINGE BENEFIT FUNDS, et al.

Plaintiffs,

Case No. 10-15072

v.

DEMREX INDUSTRIAL SERVICES, INC., et al.,

Defendants/Third-Party Plaintiff

v.

FORD MOTOR COMPANY, et al.

Third-Party Defendants.

**ORDER DISMISSING THIRD-PARTY COMPLAINT WITHOUT PREJUDICE AND
TERMINATING AS MOOT MOTION FOR TEMPORARY RESTRAINING ORDER**

On December 22, 2010, Plaintiffs commenced the above-captioned matter by filing a complaint with the court. On February 9, 2011, Defendant/Third-Party Plaintiff Demrex Industrial Services, Inc., filed a third-party complaint, impleading Third-Party Defendants Ford Motor Company and Devon Industrial Services, LLC. On February 10, 2011, Demrex filed a motion for a temporary restraining order ("TRO") to enjoin action by Third-Party Defendants. The court held a hearing on February 11, 2011, to determine the propriety of Demrex's third-party complaint and motion for TRO, during which Demrex agreed to voluntarily withdraw the third-party complaint and motion. On the same day, Demrex filed a "Notice of Dismissal" with the court, voluntarily dismissing without prejudice its claims against Third-Party Defendants. Accordingly,

IT IS ORDERED that Defendant/Third-Party Plaintiff Demrex's third-party complaint against Third-Party Defendants Ford Motor Company and Devon Industrial Services, LLC [Dkt. # 13] is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that Defendant Demrex's motion for temporary restraining order [Dkt. # 14] is TERMINATED AS MOOT.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 14, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 14, 2011, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522